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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Eighteenth session

Summary record of the 348th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 23 August 2017, at 3 p.m.

Chair: Ms. Degener

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the United Kingdom of Great Britain and Northern Ireland (CRPD/C/GBR/1; CRPD/C/GBR/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.*

2. **The Chair** said that, at the invitation of the Committee, other members of the delegation would be speaking via video link from London.

3. **Ms. Jochelson** (United Kingdom), introducing her country's initial report (CRPD/C/GBR/1), said that the Government of the United Kingdom was intent on enabling disabled people to fulfil their potential and ensuring that government policy and public services were developed in consultation with disabled people about their needs, views and experiences. Indeed, disabled civil society had been actively involved in the review of the Convention's implementation.

4. In 1970, the United Kingdom had introduced the world's first legislation recognizing and giving rights to disabled people. Since ratification of the Convention, the legislative framework on disability and equalities had been strengthened with the Equality Act 2010, which enhanced protection against discrimination on the basis of disability, including indirect discrimination. The Act applied to England, Scotland and Wales. In Northern Ireland, section 75 of the Northern Ireland Act 1998 gave public authorities a statutory duty to have due regard to the need to promote equality of opportunity between disabled and non-disabled people, while the Disability Discrimination Act 1995 provided for consideration of the rights of disabled people.

5. The Government recognized, however, that there was more to be done in all aspects of society and life to ensure the progressive implementation of the Convention. Its goal was for 1 million more disabled people and people with health conditions to be in work within 10 years. In the various constituent parts of the United Kingdom, legislation had been passed to reform provision for children and young people with special educational needs and disabilities, ensure that disabled people with mental health conditions were treated on an equal basis with others, improve the accessibility of public transport, and transform social services to improve the well-being of those needing care and of some carers.

6. The Government's commitment to ensure that disability did not dictate the path that a person took in life had not been altered by the decision of the United Kingdom to leave the European Union. Likewise, its commitment to the Convention was unaltered by the recent proceedings under article 6 of the Optional Protocol and the differences of views between the Government and the Committee. It regarded dialogue with the Committee as a valuable opportunity to share information.

7. It was through discussion with civil society that the United Kingdom Government and the devolved administrations had adopted the term "disabled people", rather than "persons with disabilities", as there was cross-sector agreement that it best reflected the country's understanding of the social model of disability, which informed its approach to policy. The Government remained committed to considering how to remove physical, social and environmental barriers faced by disabled people and would continue to work with disabled people, civil society and businesses to find solutions. Recognizing that it would be impossible to end extreme poverty and achieve the Sustainable Development Goals unless disabled people in developing countries could fulfil their potential, the Government was endeavouring to ensure that disabled people were included in and benefited from international aid and humanitarian assistance, in partnership with a range of organizations.

8. Different political parties with different and distinct policies led each of the devolved governments in the constituent parts of the United Kingdom. The Office for Disability Issues played a leading role as the State party focal point for the Convention, but responsibility for promoting the progressive implementation of the Convention in Northern

Ireland, Scotland and Wales fell in part to the devolved administrations. In the temporary absence of a devolved government in Northern Ireland, the position of future ministers must be reserved. The direction of disability policy in Northern Ireland would remain subject to review and approval by future ministers with responsibility for the issues concerned.

9. **Mr. Caughey** (Northern Ireland Human Rights Commission), speaking on behalf of the four equality and human rights bodies that constituted the United Kingdom independent monitoring mechanism, said that, despite ratification of the Convention and the Optional Protocol, social security reforms by the United Kingdom Government had led to a finding by the Committee of grave and systematic violations of the right to an adequate standard of living and social protection, the right to live independently and the right to work. The Committee's recommendations had not been given meaningful consideration by the Government and further regressive measures had since been introduced. There were still gaps in the legal protection offered by the Equality Act 2010, while legislation in Northern Ireland provided a lower level of protection from disability-based discrimination than in the rest of the United Kingdom. Disabled people continued to encounter difficulties in accessing mental health services, people with learning disabilities or autism were still being hospitalized inappropriately, and disabled children were in practice not fully included in the education system. In prisons, hospitals and other settings, the use of physical, chemical and mechanical restraints persisted, with no consistent, rights-based approach to address the problem. Legislative attempts to promote supported decision-making had not led to the required paradigm shift, and disabled people felt increasingly excluded from the decision-making process.

10. **Ms. Asante** (Scottish Human Rights Commission) said that, while the Scottish government expressed its commitment to the Convention in public, action on its provisions remained patchy. Disabled people were still not taken into account in key policy areas, and a number of policies, while positive in intent, had not been followed up with adequate resources to deliver disabled people's rights in practice. New legislation restricted disabled children's access to justice in respect of additional support needs by introducing unnecessary assessments of their capacity.

11. **Mr. Noonan** (Equality Commission for Northern Ireland) said it was to be hoped that the Committee would recommend that the Northern Ireland executive should reform the Disability Discrimination Act 1995, in line with the recommendations of the Equality Commission, so as to ensure protection against indirect discrimination and discrimination arising from disability and to reflect the definition of disability in article 1 of the Convention. A recommendation concerning the underrepresentation of disabled people in public life would also be welcome.

12. **Ms. Murray** (Equality and Human Rights Commission) said that, in England and Wales, changes to legal aid were obstructing disabled people's access to justice in a range of vital areas, including housing and social security. The Committee should recommend a full review of the impact of those changes and immediate action to safeguard access to justice by disabled people. The Government's replies to the list of issues overstated the ability of the Equality Act 2010 to make Convention rights a reality, as the Act neither covered the full scope of the Convention nor obviated the need to enhance the Convention's status in national law. The United Kingdom Government must ensure that withdrawing from the European Union did not endanger disability rights protection. It should take action to protect and strengthen disabled people's rights following withdrawal, with meaningful and active involvement of disabled people throughout the negotiation with the European Union.

13. **Mr. Langvad** (Country Rapporteur) said that access to the human rights enshrined in the Convention was too limited and uneven across the State party. Responsibility for ensuring that human rights were realized and protected in all parts of the State party could not be decentralized. The rights of persons with disabilities were affected not only by national policies and legislation, but also by international commitments. The future realization of disability rights in the United Kingdom would thus depend to a great extent on the outcome of the State party's negotiations on withdrawal from the European Union.

The State party was encouraged to inform the Committee in detail how organizations of persons with disabilities would be involved in those negotiations.

14. It was to be hoped that the Committee's dialogue with the State party would highlight the value and efficiency of the United Nations system at a time when human rights were under philosophical and political pressure and disregarded by many. While the United Nations could not achieve change alone, by bringing stakeholders together, it could pave the way to a better society. In particular, action must be taken by States parties to implement the 2030 Agenda for Sustainable Development, which was in line with the Convention, leading by example and measuring the impact of their achievements on the lives of persons with disabilities by means of the indicators developed by the Washington Group on Disability Statistics.

15. There had been great interest in the Committee's dialogue with the State party on the situation of persons with disabilities in the United Kingdom, its devolved administrations and its overseas territories, with a large amount of input received from the State party itself, human rights institutions and civil society, especially the many organizations representing persons with disabilities. Their numerous and valuable contributions were supplemented by the findings in the inquiry report adopted by the Committee pursuant to article 6 of the Optional Protocol to the Convention, which concluded that there had been grave and systematic violations of the rights of persons with disabilities in the State party. The recommendations set out in the report would be taken into account in the dialogue. The aim was to identify gaps in the State party's policies and regulations and ask searching questions with a view to improving the lives of persons with disabilities and promoting their inclusion in their communities across all parts of and in all sectors of the State party.

Articles 1-10

16. **Mr. Martin** asked how the State party ensured that organizations of persons with disabilities were involved in decisions affecting persons with disabilities and their families, including children, in its various constituent countries. In the light of reports that landlords and letting agents refused to rent properties to those in receipt of certain social benefits, he wondered how the Government planned to ensure that persons with disabilities were not discriminated against in the housing market.

17. **Mr. Basharu** asked how the State party understood and applied the rights-based model of disability and whether section 6 of the Equality Act 2010 would be brought into line with that model; whether the new disability strategy that had been in preparation in 2011 had been published; and when the Northern Ireland government intended to introduce legislation providing equal protection for persons with disabilities. In view of the disproportionate levels of violence and abuse reportedly suffered by women with disabilities and the barriers that impeded their access to support, he wished to know what preventive measures were in place and when the State party planned to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). He asked what steps were being taken to address the serious poverty gap and high levels of poverty experienced by persons with disabilities, including families with children with disabilities, and to eliminate bullying and physical abuse of such children in schools. Lastly, he enquired about the impact of awareness-raising campaigns among the general public, particularly with regard to the portrayal of persons with disabilities in the media.

18. **Mr. Kabue** sought clarification of the mechanism for consultation with organizations of persons with disabilities, especially in policymaking and the legislative process. He asked whether any mechanism existed to allow children to express themselves so that their needs — as they understood them — could be met. In view of the progress still needed in raising awareness of disability in the State party, he wondered how organizations of persons with disabilities were involved in that process.

19. **Mr. Chaker** asked for information and an explanation regarding the high rate of suicide among persons with disabilities, especially autism and intellectual or psychosocial disabilities.

20. **Mr. Ishikawa** said that he would appreciate information on measures to overcome negative attitudes, stereotypes and prejudices against persons with disabilities, particularly autism, intellectual disabilities and psychosocial disabilities, and intersex persons. Information on efforts to promote digital accessibility, including the accessibility of public and private websites and electronic books, would also be welcome. With regard to public procurement standards, he wondered how the State party would ensure that accessibility was taken into account in public procurement processes following the its withdrawal from the European Union and whether it envisaged continuing to apply the relevant European Union standard, as some non-European countries had opted to. The State party was invited to express its strong commitment to improving and promoting accessibility, both nationally and globally.

21. **Mr. Rukhledev** asked whether accessible forms of support existed for women with disabilities who were victims of violence and how the staff members of counselling centres were trained to work with persons with disabilities. The delegation should also indicate what specific measures had been taken to ensure that women with disabilities had access to education, employment and justice. He would appreciate information on policies geared towards tackling poverty among children with disabilities; an explanation of the reasons for the high level of poverty among families whose members included persons with disabilities would also be welcome. Lastly, he wondered what steps the State party was taking to address the shortage of qualified sign language interpreters and ensure the availability of affordable sign language courses.

22. **Mr. Babu** said that he wished to know when the Government intended to address the overrepresentation of persons of Afro-Caribbean descent among patients in psychiatric institutions and the disproportionate likelihood of their being subjected to restraint, seclusion and medication, as it had been called on to do by the Committee on the Elimination of Racial Discrimination in its concluding observations on the State party's combined twenty-first to twenty-third periodic reports (CERD/C/GBR/CO/21-23, para. 31). He also wondered whether the State party planned to tackle the use of the Mental Health Act 1983 as a tool of State oppression against persons of Afro-Caribbean descent.

23. He would welcome information about the monitoring activities carried out by the Office for Standards in Education, Children's Services and Skills and about the National Approach to Anti-bullying for Scotland's Children and Young People. It would be interesting to know whether similar efforts to combat bullying had been made in Northern Ireland.

24. **Mr. Lovászy** asked what steps were being taken to ensure that the planned reform of the disability assessment procedure for children led to the most appropriate forms of support for all eligible children.

25. **Mr. Buntan** asked what measures the State party had taken to ensure that persons with disabilities could exercise their right to have access to goods and services. He also wished to know what efforts had been made to assess the effectiveness of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in enabling such persons to obtain legal aid, which was means-tested.

26. **Mr. Ruskus** said that he would welcome a comment from the delegation on the measures taken to address three particular concerns related to article 1 of Convention: first, the definition of disability in the Equality Act 2010 made no reference to environmental barriers; second, the Convention had not been incorporated into the domestic legal order; and, third, chronic neurological and cognitive disabilities, especially dementia, appeared to fall outside the scope of the State party's definition of disability.

27. In addition, the delegation should indicate whether the State party planned to include a disability-specific focus in all programmes and policies on combating violence against women. More information about the support and protection provided to children with disabilities whose parents themselves had disabilities would also be welcome, as would an indication of the state of public funding of services for children with mental health problems after recent budget cuts and in view of the increasing numbers of children being placed in the State party's mental health institutions. In the latter connection, he wondered what plans the Government had made to put an end to the institutionalization of children

with intellectual or psychosocial disabilities and ensure that they could live safely with their families and in their communities.

28. **Mr. Parra Dussan** asked how the State party intended to bring its definition of disability fully into line with the Convention. He also wished to know whether the State party intended to amend its disability-related legislation once it withdrew from the European Union and whether the economic impact of the planned withdrawal on persons with disabilities had been estimated.

29. **Mr. Tatić** said that he would appreciate updated information on the number and outcome of complaints of disability-based discrimination submitted to the State party's courts. Information on any cases where defendants had been ordered to provide reasonable accommodation would be of particular interest.

30. In connection with article 9, he wondered what practical efforts were made to satisfy accessibility criteria more stringent than those set out in the Convention, which sought only to establish minimum requirements in that regard. In addition, he would appreciate a comment from the delegation on the accessibility of public transport in rural areas of Northern Ireland. He would also like to know whether taxi drivers in the United Kingdom were given training in driving passengers with disabilities; his own experience when taking the country's magnificent black cabs suggested otherwise. Lastly, he would welcome details of the measures taken to ensure that all public sector bodies provided information in accessible formats to persons with disabilities, in particular information relating to health care, social welfare and employment.

31. **Mr. Alsaif** said that the delegation should explain how the efforts to implement the Convention made by the devolved governments and local authorities were coordinated. It would be interesting to know how organizations of and for persons with disabilities and the United Kingdom independent monitoring and reporting mechanism were consulted on coordination efforts. He asked what steps were being taken to ensure that national laws were brought into line with the Convention and that an end was put to all discriminatory regulations, customs and practices. Lastly, he requested data on the number of cases where local authorities had ordered building owners to bring building work up to required accessibility standards or remove non-compliant work, or where the authorities had imposed fines for failure to comply with accessibility standards.

32. **Mr. Pyaneandee** asked whether the Government had any plans to ensure that persons with disabilities in Northern Ireland were afforded the same level of protection from discrimination as persons with disabilities elsewhere in the United Kingdom. Similarly, he wondered whether the State party intended to take steps to ensure that deaf persons in England, Wales and Scotland enjoyed the same rights, in particular in connection with access to sign language interpreters, and, if so, when. More generally, he wondered how the State party intended to bring the Equality Act 2010 into line with the Convention.

33. The case of Sarah Reed, a woman with a psychosocial disability who had killed herself in jail while awaiting reports about whether she was fit to stand trial, underscored the urgency of Mr. Babu's questions touching on discrimination against persons with disabilities of African descent. The case also raised the issue of multiple discrimination.

34. **The Chair** said that she, too, would welcome a comment from the delegation on the high suicide rate among persons with disabilities. In addition, she would appreciate the delegation's reaction to reports that the genital mutilation of intersex children was widespread. She was concerned about a provision of the Serious Crime Act 2015 under which a person who engaged in abusive or controlling behaviour in a family or other intimate relationship could escape prosecution if he or she believed himself or herself to be acting in the victim's best interests.

35. **Mr. Langvad** asked how the State party intended to support the efforts of its overseas territories, the Falkland Islands in particular, to analyse and improve the living conditions of persons with disabilities in those territories. The delegation should also provide information on any efforts to set up an overarching mechanism to ensure the streamlined implementation of the Convention in close consultation with organizations of and for persons with disabilities. Lastly, he wished to know what guidance the State party

took from articles 5 and 9 of the Convention in its efforts to achieve Sustainable Development Goals 10 and 11.

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

36. **Ms. Jochelson** (United Kingdom) said that the human rights approach to disability was reflected in the social model that was in wide use in the country. It also underpinned policy development and implementation and allowed the authorities to consider disabled people's specific needs.

37. The Office for Disability Issues supported the Minister of State for Disabled People in her cross-government role; that gave the Office the levers it needed to promote approaches that were aligned with the Convention, including the mainstreaming of the human rights model of disability. Every government was responsible for considering disability in the development and implementation of its policies. In addition, there were focal points in each of the devolved administrations that ensured that the departments of those administrations were aware of their obligations under the Convention.

38. Although the public sector equality duty, defined in the Equality Act 2010, did not apply in Northern Ireland, a similar duty was imposed on the public authorities of Northern Ireland under section 75 of the Northern Ireland Act 1998. The territorial scope of the country's ratification of the Convention did not include its overseas territories; however, the territories were encouraged to seek the extension to them of international human rights instruments ratified by the United Kingdom when they were ready to implement them. The provisions of the Convention were unlikely to be incorporated into national law, as the country did not, in principle, incorporate the text of international instruments into its domestic legal order. In the current case, the Equality Act sufficed to uphold the rights of persons with disabilities.

39. The Fulfilling Potential Strategy had been published in 2013. The Committee's concluding observations would be used to inform the planned review of the Strategy. The country had a strong record of engaging with disabled people, their organizations, representative groups and service users to shape policy, and there were clear guidelines stating that public officials should consider the full range of people, businesses and voluntary bodies likely to be affected by proposed policies. Ways of engaging with ever-greater ranges of people were being sought. For example, one recent consultation regarding work and health outcomes had involved the organization of accessible events and the use of accessible communication methods, such as a web platform that had made it possible to reach disabled people and grass-roots practitioners directly.

40. There were a number of other ways of involving disabled people in efforts to implement the Convention or hold the Government to account. For instance, accountability to Parliament was ensured through parliamentary questions and select committee debates, processes to which disabled people often contributed. In addition, the Equality and Human Rights Commission had a monitoring and enforcement role in relation to the Equality Act, and the Office for Disability Issues had held several large events with civil society in advance of the current consideration of the country's initial report. The thousands of pages of information that had been submitted to the Committee attested to the active involvement of the country's national human rights institutions and its civil society.

41. The Government had invested significantly in awareness-raising campaigns, including initiatives to reduce the stigma surrounding dementia. Schemes were also in place to transform the attitudes of employers towards disabled people and help businesses understand how to interact with disabled customers.

42. The United Kingdom would continue to promote good practices in the field of disability rights following withdrawal from the European Union. European Union legislation would be incorporated into national law, so that the same laws and rules would continue to apply, where appropriate; disabled people and their representative organizations were being consulted about their concerns in that regard. All ongoing European Union funding commitments were being reviewed to determine whether they served the national interest.

43. British Sign Language had been recognized as a language in 2003; provision for its use was seen as a form of reasonable adjustment. Most sign language interpreters worked on a freelance basis or were self-employed. The Government had recently conducted a market review of interpretation provision and would use the outcome to help prepare contracts with service providers.

44. **Ms. Henderson** (United Kingdom) said that, in Northern Ireland, the public authorities were legally required to take the needs of disabled people into account and to encourage the participation of disabled people in public life. One aim of the draft programme for government framework 2016-2021 was to increase statutory protection for disabled people through the amendment of the Disability Discrimination Act 1995, but approval remained pending in the absence of a devolved government.

45. **Mr. King** (United Kingdom), speaking via video link from London, said that, under the Equality Act 2010, a person was considered disabled if he or she had a mental or physical impairment that had a substantial long-term adverse impact on his or her ability to carry out normal day-to-day activities. While the definition was indeed focused on impairment, the Act included reasonable adjustment provisions for the public sector that required officials to consider and, where possible, remove social and environmental barriers for disabled people. The legislation as a whole was thus in line with the social model of disability.

46. The United Kingdom would remain a party to the European Convention on Human Rights for the duration of the current Parliament. The rights contained in that Convention were given further effect through the Human Rights Act 1998. The Government would review the human rights legal framework following withdrawal from the European Union and would consult with civil society on any proposed changes.

47. Regarding the status of dementia, the condition was a wide-ranging one, the impact of which could be barely perceptible or totally incapacitating. The Government therefore believed that the approach taken in the Equality Act — of examining the effects of the condition on the individual and that person's ability to lead his or her life — was the right one.

48. The Government had no plans to implement section 14 of the Equality Act, on combined discrimination, as other sections covered various protected characteristics and enabled persons to bring claims on multiple grounds. The introduction of a dual discrimination provision could cause confusion among employers, employees, service providers and the courts while potentially providing little new protection. In the case of disability, section 14 would not apply to reasonable adjustments, indirect discrimination, discrimination arising from disability, harassment or victimization, so the benefits of implementation for disabled people would likely be very limited.

49. The Equality Act required public bodies to consider the potential impact on groups with protected characteristics when developing policies or delivering services. Its reasonable adjustment duty obliged those providing the public with goods or services to anticipate the requirements of disabled customers and the adjustments that might have to be made for them. However, what was reasonable would vary depending on the practicability and cost of the adjustment, and the resources available.

50. **Ms. Gibby** (United Kingdom) said that legal aid continued to ensure equal access to justice in the highest priority cases for all eligible applicants. Such cases included disputes with local authorities, claims relating to community care, and discrimination and welfare benefit claims, as well as applications for judicial review of policies that affected disabled people. The Civil Legal Advice helpline provided a text relay service and sign language interpretation via webcam for deaf and deafened clients. Clients could nominate an authorized friend, family member, support worker or other professional to communicate on their behalf.

51. The Government published data annually on activity in the legal aid system in England and Wales, disaggregated by ethnicity, sex, disability and age. The data were monitored to ensure that legal aid catered for a diverse population. Data on client

disabilities were available for some areas of legal aid from 2008/09, and for all areas from 2012/13 onwards.

52. Judicial employees were provided with guidance on reasonable adjustments and equal access to services and facilities. Feedback from disabled users was used to improve service provision. Courts and tribunals were encouraged to record reasonable adjustments electronically in order to facilitate analysis of such adjustments, inform future service improvements and identify good practices.

53. Regarding suicides in prison, it would be inappropriate for her to comment on individual cases. Considerable effort was made, however, to learn from such incidents. A prison's fatal incident report would include an action plan to respond to any recommendations made by the coroner highlighting concerns about potential future deaths. The Prison Service had a statutory duty to respond to those concerns and the responses were published on the Chief Coroner's website.

54. **Mr. Nuttall** (United Kingdom) said that, in England, the cross-government suicide prevention strategy required the National Health Service (NHS) to address the risk of suicide among all people in contact with mental health services. Local authorities in England were required to implement suicide prevention strategies by the end of 2017; those strategies should include joint efforts with relevant agencies and the voluntary sector.

55. NHS England had introduced an accessible information standard in 2015. The aim was to ensure that people with a disability, impairment or sensory loss were provided with information that they could understand and with support to ensure they could communicate effectively. Since August 2016, all organizations providing care under the National Health Service or adult social care had been required to adopt the standard.

56. The use of restraint in health and social care without specific legal authorization could be a criminal offence or a civil wrong. In England, data were collected on the use of restraint on people in contact with mental health, learning disability and autism inpatient services. The data recorded which individuals had been restrained, the duration of the restraint and the type of restraint used: physical, chemical, mechanical, seclusion or segregation. Guidance had been published to ensure that restrictive interventions were used only as a last resort for adults with behavioural issues, and emphasized the need to identify the causes of challenging behaviour to prevent situations from escalating to the point where such interventions became necessary.

57. **Ms. White** (United Kingdom) said that the Government had set out a blueprint to ensure that local services for victims of violence and abuse were flexible and responsive to victims' experiences. It recognized the importance of taking into account the barriers that disabled women and girls sometimes faced in reporting violence or abuse and accessing support. Community touchpoints had been set up to enable disabled people and people with learning difficulties to disclose abuse or sexual violence safely to trained professionals. A domestic abuse commissioner would help to monitor local service provision and projects alongside experts on violence against women and girls.

58. The Government had pledged funding of £100 million by 2020 for its Violence against Women and Girls Strategy, including £17 million to support transformation projects, notably an initiative to enhance services for victims with complex needs and learning difficulties. In addition, £15 million would be spent to help disadvantaged women and girls experiencing violence and abuse; as part of those efforts, a domestic violence support service would be established for deaf women and girls in Greater Manchester.

59. The Government had set up a specialist unit to increase nationwide outreach on female genital mutilation. In addition, it had introduced a mandatory duty for front-line professionals to report cases, along with protection orders to prevent children at risk being taken out of the country. Regarding coercive control, the context of the relevant relationship would be considered when charging, prosecuting and sentencing perpetrators.

60. Having signed the Istanbul Convention in 2012, the Government was legally required to issue annual reports on measures taken to enable its ratification. The extraterritorial jurisdiction measures necessary for compliance in England and Wales would

be introduced in the Domestic Abuse Bill, and there were ongoing consultations with the devolved administrations to ensure compliance in Scotland and Northern Ireland.

61. **Mr. Jack** (United Kingdom) said that, in Scotland, the national guidance to combat bullying among children and young people was being reviewed. The updated guidance would encourage a cross-sectoral holistic approach and highlight cyberbullying. The Additional Support Needs Tribunals for Scotland provided a remedy for disability-related discrimination in schools. An annual public report was issued on the number of cases considered. However, information about individual cases was not published to prevent identification of the persons involved.

62. **Ms. Gross** (United Kingdom) said that, in England, the authorities had worked with civil society to reform the education and care systems for children with special educational needs, and disabled children and young people. The Children and Families Act 2014 enshrined the principle that disabled children and young people and their families must be fully involved in decisions about the support and education they received. A project had been developed with the Council for Disabled Children to enable the views of disabled young people to be heard at the national level.

63. The reforms to the special educational needs and disability system were due to be fully implemented by March 2018. The outcome was being carefully monitored. A survey of over 13,000 parents and young people had shown that 73 per cent agreed that the changes made to children's education, health and care plans had led to them getting the help they needed, and over two thirds of respondents had agreed that the plans had improved children's experience of education.

64. The Office for Standards in Education, Children's Services and Skills inspected education and social care provision for all children and young people. It held schools to account in relation to bullying; all schools were legally required to have a behaviour policy, with measures to tackle bullying. The incidence of bullying in schools was assessed through national surveys, the findings of which were published.

65. All disabled children were regarded as children in need, and local authorities were legally required to safeguard them and promote their welfare. Their families were entitled to short respite breaks, and disabled parents could also be eligible for support as carers. A total of £1.4 billion would be invested by 2020 to improve services for young disabled people with mental health needs. Proposals for further reforms to children and young people's mental health services would be published by the end of the year.

66. **Mr. Wolfe** (United Kingdom) said that the introduction of the universal credit would reduce disability-based discrimination in housing, as landlords would not know why tenants were claiming the benefit or indeed whether they were employed. Over 99 per cent of people receiving the employment and support allowance complied with the relevant requirements, and claimants could not be sanctioned for failing to find work.

67. **Ms. Wadimba** (United Kingdom) said that it was illegal for drivers of taxis and private hire vehicles to refuse or charge extra to carry passengers with assistance dogs, or to fail to provide appropriate assistance to wheelchair users or charge for such assistance. Licensing authorities could require drivers to complete disability awareness training on the rights, expectations and needs of disabled passengers.

68. **Mr. Dear** (United Kingdom) said that the social model of disability had been formally adopted by the Welsh government in 2002. The Framework for Action on Independent Living had been approved in 2013. A new version was being developed to tackle certain key barriers, with contributions from disabled people and their representative organizations.

69. The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act covered all people in Wales. A national strategy to implement it had been published in November 2016. The Welsh government's Strategic Equality Plan 2016-2020 was aimed at reducing poverty, mitigating its impact and improving living conditions for groups at risk. The "Talk to me 2" Suicide and Self-Harm Prevention Strategy for Wales 2015-2020, had identified groups vulnerable to suicide; the plans and programmes on preventing suicidal behaviour would be further promoted, coordinated and supported. With regard to housing,

private landlords were legally obliged to be registered and, if they managed their own property, to be licensed. Registration and licensing enabled local authorities to target rogue landlords who provided substandard or overcrowded accommodation.

70. **Mr. Jack** (United Kingdom) said that the Scottish government was committed to working with disabled people and their representative organizations, which had been involved in the development of the Fairer Scotland for Disabled People plan for implementation of the principles of the Convention.

71. The Modern Apprenticeships programme had funded the training of 36 new sign language interpreters and two programmes to enhance the skills of qualified interpreters working in health and judicial settings. Scotland's first British Sign Language plan, to be rolled out in October 2017, would include further measures to promote access to sign language across Scotland. Sign language users' access to public services had greatly improved with the provision of online interpreting services.

72. **Ms. Henderson** (United Kingdom) said that Northern Ireland was developing a strategy for creating an inclusive and accessible transport network to address the travel needs of all, including disabled people. The local public transport operator had developed an access policy and guide for disabled people. Solutions for rural routes were being developed, and disabled people were encouraged to participate in the consultation panel on the matter. Steps were being taken to improve access to taxis. For example, the technical requirements for wheelchair-accessible taxis were being updated and all taxi drivers would soon be required to undergo disability awareness training. The recently established Taxi Advisory Forum had permanent representation from the Inclusive Mobility and Transport Advisory Committee to ensure that disabled people had a voice in policy formulation.

73. A disability indicator included in the draft programme for government framework 2016-2021 referred explicitly to improving the lives of people with disabilities and their families. The associated draft delivery plan had been developed after extensive consultation with disabled people, their families and carers, and organizations representing them. The views of disabled children and young people were reflected in the Children and Young People's Strategy for the period 2017-2027.

74. **Ms. Jochelson** (United Kingdom), referring to the accessibility of online public services, said that GOV.UK, the Government's portal for that purpose, was designed to conform to WCAG 2.0 (level AA) international web content accessibility guidelines. It connected users seamlessly to assistive technologies and allowed them to customize its appearance. Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies would be incorporated into United Kingdom legislation before the country's withdrawal from the European Union.

75. Measures to improve the accessibility of information and procedures relating to welfare benefits had included the preparation of easy-to-read versions of guides to two main benefits, the universal credit and the employment and support allowance, and the provision of video relay service for people with hearing loss who wished to apply for certain benefits. To date more than 1,600 people had asked for such information in alternative formats.

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76. **Mr. Ruskus** asked whether the State party planned to repeal legal provisions, including those in the Mental Capacity Act 2005, that contravened article 14 of the Convention, on liberty and security of person. In the light of reports that both involuntary detention and unexpected deaths in detention were on the rise in the United Kingdom, he wondered whether there was an independent mechanism for protecting persons with mental health conditions or psychosocial disabilities residing in psychiatric hospitals and other treatment and care facilities and for safeguarding their human rights. He also wished to know whether police and mental health-care providers were required by law to report the use of Taser guns on psychiatric patients. Was the practice illegal, and if not, did the State party plan to ban it?

77. **Mr. Buntan** said that he would like to hear more about any legally mandated framework enabling the participation of persons with disabilities and organizations representing them in the formulation, implementation and monitoring of disability-related policies. It was still not clear to him from the delegation's replies whether the State party had evaluated the impact of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 on access to justice and, if so, what help was provided to persons negatively affected by the Act. Lastly, he wished to know whether the State party had an independent mechanism for identifying and investigating cases of violence, abuse and exploitation affecting persons with disabilities, particularly women and girls with disabilities and especially those in institutions, and whether persons with disabilities had access to mechanisms for protection against domestic violence.

78. **Mr. Alsaif** said that he would like information about cuts to legal aid and the introduction of employment tribunal fees, and about any plans to reverse those changes. He wondered whether European Union structural funds had been used to fund projects relating to personal assistance for former residents of institutions, and what type of training personal assistants received. He also wished to know how the State party's withdrawal from the European Union might affect social protection for persons with disabilities.

79. **Mr. Tatić** asked how the State party was implementing the recommendations of various parliamentary committees regarding the reform of the welfare system, especially as it affected the right of persons with disabilities to live independently. He enquired how the State party ensured that accessible social housing was also safe. He wondered how a person with a disability whose care package had been scaled back by local authorities could request restoration of necessary assistance. What options were realistically available?

80. He asked whether public security forces were trained to take into consideration, when conducting counter-terrorism activities, the possible presence of persons with disabilities. For example, would security officials be able to deal appropriately with someone who could not hear and therefore did not react to their requests or orders?

81. **Mr. Kabue** said that he wished to know what the State party's position was with regard to the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action. He wondered whether the State party, in funding humanitarian efforts, took into account the extent to which the needs of persons with disabilities were reflected in such efforts. He asked how the State party ensured that inability to pay for legal services did not impede access to justice. Lastly, he enquired whether the use of Taser guns by police on psychiatric patients was legal. If not, what measures were in place to punish perpetrators?

82. **Mr. Babu** said that he hoped the delegation would answer his earlier question on the overrepresentation of persons of Afro-Caribbean descent among patients in psychiatric institutions and the disproportionate likelihood of their being subjected to restraint, seclusion and medication. During a recent trip to the United Kingdom, he had noticed that the international symbol for accessibility was used not only to identify facilities accessible to persons with disabilities but also those for persons with health-related issues such as HIV/AIDS. He wondered if the use of the symbol for an array of conditions created confusion about what disability meant.

83. **Mr. Martin** said it was worrisome to hear that persons with disabilities were often obliged to navigate court proceedings without trained assistants or accessible information. Equally worrisome were plans to introduce a system of graded guardianship in some parts of the United Kingdom and to retain substitute decision-making. He asked to what extent the State party was implementing article 12 of the Convention, on equal recognition before the law, including by removing guardianship laws and instituting supported decision-making in line with the Committee's general comment No. 1 (2014) on that article.

84. He asked why the State party had reduced access to benefits and services for persons with disabilities, especially those with what the State party termed "mild" or "moderate" disabilities. Without support, such persons could not live independently in their communities. He understood that since 2013 most public toilets, including those accessible to persons with disabilities, had been decommissioned. That represented the removal of public facilities that it was the State's duty to provide and greatly curtailed the ability of

persons with disabilities to move about with dignity and independence. He wished to know how the State party intended to remedy the situation.

85. **Mr. Basharu** said that he would appreciate more information on existing measures to help women with disabilities gain access to mechanisms for protecting them from violence and abuse, particularly women with psychosocial or intellectual disabilities, and especially those who were institutionalized or had been deprived of legal capacity.

86. He was concerned about the first sentence of paragraph 147 of the State party's report, which stated that, in England and Wales, medical research could be carried out on people who lacked capacity to consent only when it was considered to be of potential benefit to the individual, science and society, and under very strict regulations. Might not the interests of the scientific community in most such cases be held to override the interests of the individual? The application of the approach in question would disproportionately affect persons with disabilities, particularly those with psychosocial or intellectual disabilities. Would the State party consider repealing or reviewing that provision of the Mental Capacity Act?

87. He would be interested to hear about the consequences of the closing of the Independent Living Fund and the transfer of its functions to local authorities, and about the State party's efforts to ensure that persons with disabilities were not negatively affected by the change. Lastly, he wondered what provision was made for mobility training for blind persons and their teachers, for ensuring that mobility aids and assistive devices were affordable, and for otherwise ensuring that blind persons could move around safely and independently.

88. **Mr. Pyaneandee** said that he did not understand how the State party could assert that the Equality Act 2010 complied with the Convention and at the same time refuse to implement the Act's provisions concerning multiple discrimination. Was that yet another step backwards? He also did not see how article 13 of the Convention, on access to justice, could be deemed to have been given effect by the Act. What measures, if any, such as ensuring procedural accommodations, did the State party intend to introduce in order to harmonize the Act with article 13?

89. Noting that the use of Taser guns on persons detained in psychiatric institutions had also been raised by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2013 and in the House of Commons, the lower house of Parliament, in June 2016, he asked whether the State party would commit itself to completely banning the practice in question.

90. **Mr. Chaker** asked what steps the State party was taking to ensure that the Mental Capacity Act 2005 complied with the Convention. He wished to remind the delegation of the stipulations concerning legal capacity in article 12 of the Convention.

91. **Mr. Lovászy** asked what was being done to reverse the reported increase in bullying of children with disabilities, whether such children had access to an effective mechanism to protect them from bullying, and how perpetrators were punished. Lastly, he wondered whether the State party would build on successes in Scotland and Northern Ireland when expanding nationwide access to sign language.

92. **Mr. Kim** Hyung Shik said that he would appreciate information, including statistical data, on the use of non-consensual electroconvulsive therapy on persons with disabilities in all parts of the United Kingdom, especially Northern Ireland. The delegation should also provide information about specific measures for monitoring and assessing the activities of all care and penal institutions in the United Kingdom to ensure their compliance with article 16 (3) of the Convention.

93. **Mr. Rukhledev** said that deaf persons in the United Kingdom were reportedly not allowed to serve on trial juries. Were there plans to enable them to enjoy their right to participate in court proceedings on an equal footing with others? He would like to know whether deaf persons serving prison sentences received any support or assistance, including access to information and to rehabilitation and training corresponding to their needs. If not, their chances of parole and early release would be compromised and they would become victims of dual discrimination and punishment.

94. **The Chair** asked what kinds of support services were provided to enable asylum seekers and refugees with psychosocial or intellectual disabilities to participate in court proceedings affecting them.

The meeting rose at 6 p.m.